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Good afternoon DSPD advisory committee members,

The Disability Law Center (DLC) appreciates the opportunity to provide input concerning the Division of Services for People with Disabilities' (DSPD) budget and service priorities for the upcoming fiscal year.

While the DLC is grateful the state recently received approval to provide a higher level of care to individuals transitioning to the community from intermediate care facilities for individuals with intellectual disabilities (ICFs/ID) who need it, those already on the community supports waiver do not have access to the same services. Because of the settlement agreement in *Christensen v. Miner*, the Department of Health and DSPD previously sought over \$4 million in expanded community-based nursing services. Sadly, the legislature decided not to fund this critical component. Failure to do so could be a violation of the Supreme Court's ruling in *Olmsted v. LC*, under title II of the Americans with Disabilities Act. Therefore, we would appreciate the committee prioritizing the request highly.

DSPD also sought, in part because of the settlement agreement, a \$12 million limited service waiver, offering 2/3 of the individuals and families on the waiting list family, behavior, employment, and other supports designed to prevent or delay the need for future facility-based care. Fortunately, the legislature funded this proactive and cost-effective approach to the tune of \$400,000 this past year. We would be grateful for the committee's support in expanding this program that will keep individuals in their homes rather than an institution.

Additionally, the home and community-based settings (HCBS) rule is intended to ensure persons with disabilities can live where and with whom they want, participate in work they enjoy, and make decisions about their lives. The ultimate goal is to expand opportunities for meaningful community integration to more individuals with significant disabilities. The rules say the state must use its federal HCBS money to support Utahns with disabilities in their efforts to live, work, and play among individuals with and without disabilities in places that are part of the broader community.

In order to realize these objectives, providers need substantially more resources to help facilitate a person's participation in community activities. Unfortunately, the \$2 million appropriated for competitive and integrated community-based employment was sadly short-lived as was the \$250,000 to increase DSPD transportation provider rates. While we appreciate the legislature making good on the last phase of its commitment to increase direct care staff rates, that \$650,000 also fell by the wayside. If the system is going to be in compliance with the rule by 2023, we must start investing significantly more in these and other areas now.

Thank you for your time, consideration, and support of our top priorities. If you have questions or would like more information, please do not hesitate to contact us.

The Disability Law Center (DLC) is a private, non-profit organization. The DLC's mission is to enforce and strengthen laws that protect the opportunities, choices, and legal rights of Utahns with disabilities. Our services are available statewide and free of charge, regardless of income, legal status, language, or place of residence. Because our time and money are limited, the DLC focuses on cases that can help as many Utahns with disabilities as possible now and in the future. While we cannot assist everyone, we will at least offer all those who contact us information and/or referral options.